

## **REMARKS**

1. In response to the Office Action mailed March 26, 2008, Applicants respectfully request reconsideration. Claims 20-37 and 73 were last presented for examination while claims 38-72 and 74-76 were previously withdrawn from consideration. In the outstanding Office Action claims 20-37 and 73 are rejected. By the foregoing Amendments, claims 20 and 73 have been amended and no claim have been cancelled or added. Thus, upon entry of this paper, claims 20-22, 25-37 and 73 will remain pending in this application. Of these fifty-seven (57) claims, four (4) claims (claims 20, 38, 56 and 73) are independent.

2. Based upon the above Amendment and following Remarks, Applicants respectfully request that all outstanding objections and rejections, be reconsidered, and that they be withdrawn.

### ***Art of Record***

3. Applicants acknowledge receipt of form PTO-892 listing additional reference identified by the Examiner.

### ***Claim Amendments***

4. Applicants have amended claims 20 and 73 to recite “wherein the proximal end of said concave-shaped cross-sectional region is configured to receive said electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region.” (See, Applicants claims, above.) Support for these amendments may be found in the originally filed specification and drawings. Applicants assert that the additional of these elements does not necessitate further search by the Examiner.

### ***Claim Rejections Under 35 U.S.C. §112***

5. The Examiner has rejected claims 20-22, 25-37 and 73 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that the claims are indefinite because claims 20 and 73 recite “relative longitudinal movement of the electrode assembly” and “relative lateral movement of the electrode assembly” but the claims do not

specify what the movement is relative to. (*See*, Office Action, pg. 2.) By the foregoing Amendments, Applicants have amended claims 20 and 73 to specify that the “longitudinal” and “lateral” movement of the electrode assembly “is with respect to the forceps tool.” (*See*, Applicants’ amended claims, above.)

6. The Examiner further asserts that the limitation “the longitudinal movement” recited in lines 16 and 22 of claims 20 and 73, respectively, lacks antecedent basis. (*See*, Office Action, pg. 2) The Examiner alleges that it is unclear if this “longitudinal movement” is different than the “relative longitudinal movement” earlier recited in claims 20 and 73. Applicants have amended lines 16 and 22 of claims 20 and 73, respectively, to recite “the relative longitudinal movement” to make it clear that this limitation refers to the previously referenced “relative longitudinal movement.” (*See*, Applicants’ claims, above.)

7. In view of these amendments, Applicants respectfully request that the rejections under 35 U.S.C. §112, second paragraph, be reconsidered, and that they be withdrawn.

***Claim Rejections under 35 U.S.C § 102(b) in view of Blomberg***

8. Claims 20-22, 25, 27, 35, 37 and 73 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,738,366 to Blomberg, (hereinafter, “Blomberg”). Applicants respectfully disagree.

9. Blomberg is directed to a disposable forceps comprising two identical members that may be closed together to perform a “variety of functions” such as removing sutures, handling dressings and cotton balls, manipulating cut or damaged skin, etc. (*See*, Blomberg, col. 1, lines 7-15.) The disposable forceps comprise a “two-part structure” of two opposing and identical members. (*See*, Blomberg, col. 2, ln. 60- col. 3, ln. 15.) The opposing members of Blomberg each have a U-shaped cross-section. (*See*, Blomberg, col. 3, lns. 34-51.)

10. As can be seen in FIGS. 1 and 2 of Blomberg, the two identical members are entirely positioned in a single plane and the members are “affixed” together at one end. (*See*, Blomberg, FIGS. 1-2; col. 2, ln. 60- col. 3, ln. 15.) Within this single plane, each member extends outwardly from the point where the members are affixed to one another to an intermediate point. (*See*, Blomberg, FIG. 1; col. 3, lns. 16-33.) At this intermediate point, the members each bend

back toward one another and terminate in opposing tips. (See, Blomberg, col. 3, lns. 16-33.) When the members are squeezed together, the tips of the forceps close together. (See, Blomberg, col. 3, ln. 64- col. 4, ln. 6.)

11. Applicants' claim 20 is directed to a "forceps tool... comprising: a first flexible arm comprising... a concave cross-sectional shaped region, *wherein the proximal end of said concave-shaped cross-sectional region is configured to receive said electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region.*" (See, Applicants' claim 20, above; emphasis added.) As noted, the opposing identical members of Blomberg are affixed to one another at one end. (See, Blomberg, FIGS. 1-2; col. 2, ln. 60- col. 3, ln. 15.) The members extend away from this affixation point in a single plane. (See, Blomberg, FIGS. 1-2; col. 2, ln. 60- col. 3, ln. 15.) Because the identical members of Blomberg are entirely positioned in this single plane, the longitudinal axis through each U-shaped portion must extend through one of the members. As such, in the forceps of Blomberg, the axis through the center of this are physically obstructed, thereby making it impossible for the proximal ends of the U-shaped regions of Blomberg to receive "*receive said electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region*" as recited, in part, in Applicants' claim 20. (Emphasis added.) Therefore, for at least these reasons, Applicants assert that Blomberg fails to anticipate or render obvious all elements of Applicants' claim 20. As such, Applicants respectfully request that the rejection of claim 20 as anticipated by Blomberg be reconsidered, and that it be withdrawn.

12. For at least the same reasons as discussed above with reference to claim 20, Applicants assert that Blomberg fails to anticipate or render obvious all elements of Applicants' claim 73. As discussed above, the longitudinal axis through the U-shaped forceps members are physically obstructed making it impossible for the proximal ends of said U-shaped region "*to receive the electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region*" as recited, in part, in Applicants' claim 73. (Emphasis added.) Therefore, for at least these reasons, Applicants assert that claim 73 is patentable over Blomberg. Applicants respectfully request that the rejection of claim 73 as anticipated by Blomberg be reconsidered, and that it be withdrawn.

***Claim Rejections under 35 U.S.C § 102(b) in view of Baccala***

13. Claims 20-22, 25-27, 32, 37 and 73 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,785,810 to Baccala *et al.*, (hereinafter, “Baccala”). Applicants respectfully disagree.

14. Baccala is directed to a surgical instrument “used in replacement of the natural lenses in eyes with artificial lenses.” (*See*, Baccala, col. 1, lines 6-8.) Specifically, the surgical instrument of Baccala is used to fold an artificial lens, and then to insert the folded lens into an eye of a patient. (*See*, Baccala, col. 2, lines 39-65.) The instrument of Baccala comprises two actuation arms which terminate in a pair of jaws that perform this function. (*See*, Baccala, col. 3, lines 23-47.) The “first actuation arm is connected to the first elongate jaw” comprising a U-shaped portion. (*See*, Baccala, col. 5, lns. 30-42; FIGS. 1-2.) The “second actuation arm is provided and connected to the second elongate jaw” which consists of a rod. (*See*, Baccala, col. 5, lns. 30-42; FIGS. 1-2.) As can be seen in FIGS. 1 and 2, each arm is connected to its respective jaw at an angle such that the arm/jaws form a general L-shape. (*See*, Baccala, col. 5, lns. 30-42; FIGS. 1-2.)

15. Applicants’ claim 20 is directed to a “forceps tool... comprising: a first flexible arm comprising... a concave cross-sectional shaped region, *wherein the proximal end of said concave-shaped cross-sectional region is configured to receive said electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region.*” (*See*, Applicants’ claim 20, above; emphasis added.) As noted, each arm of Baccala is connected to the jaws so that each arm/jaw collectively form a general L-shape. (*See*, Baccala, col. 5, lns. 30-42; FIGS. 1-2.) Due to this L-shape, the longitudinal axis through the U-shaped portion of the first elongate jaw must extend through the arm to which it is connected. As such, the elongate axis is physically obstructed at its proximal end, making it impossible for the proximal end of the U-shaped portion of Baccala to “*receive said electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region*” as recited, in part, in Applicants’ claim 20. (Emphasis added.)

16. Applicants further assert that the device of Baccala fails to teach a “forceps tool... wherein... when said tip is in proximity to said concave cross-sectional shaped region said

electrode assembly is retained in a space defined by said concave cross-sectional shaped region and said tip region, *thereby providing operator control of the longitudinal movement of said electrode assembly*” as recited, in part, in claim 20. (Emphasis added.) As described above, the jaws of Baccala are merely configured to fold the lens into a U-shape, and then to firmly retain the folded lens between the jaws. (See, Baccala, col. 6, lines 3-24.) Baccala completely fails to disclose any type of control of the lens that would lead one of ordinary skill in the art to conclude that Baccala teaches the above recited elements.

17. Therefore, for at least these reasons, Applicants assert that Baccala fails to anticipate or render obvious all elements of Applicants’ claim 20. Applicants respectfully request that the rejection of claim 20 as anticipated by Baccala be reconsidered, and that it be withdrawn.

18. For at least the same reasons as discussed above with reference to claim 20, Applicants assert that Baccala fails to anticipate or render obvious all elements of Applicants’ claim 73. As discussed above, the longitudinal axis through the U-shaped portion of the elongate jaw of Baccala is physically obstructed making it impossible for the proximal end of the U-shaped portion to receive an electrode assembly *“along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region”* as recited, in part, in Applicants’ claim 73. (Emphasis added.) Furthermore, as described above, the jaws of Baccala are merely configured to fold the lens into a U-shape, and then to firmly retain the folded lens between the jaws. (See, Baccala, col. 6, lines 3-24.) As such, Applicants assert that the jaws of Baccala fail to teach or suggest “a first elongate arm having... concave-shaped cross-sectional region... wherein said concave-shaped cross-sectional region enables said first elongate arm to receive and support the electrode assembly... and a second elongate arm having... a tip region ... to retain the electrode assembly in a space between said concave-shaped cross-sectional region and said tip region, thereby providing operator control of the longitudinal movement of the electrode assembly” as recited, in part, in claim 73. Therefore, for at least these reasons, Applicants assert that claim 73 is patentable over Baccala. Applicants respectfully request that the rejection of claim 73 as anticipated by Baccala be reconsidered, and that it be withdrawn.

***Claim Rejections under 35 U.S.C § 102(b) in view of Willis***

19. Claims 20-22, 27, 28, 32, 33, 35, 37 and 73 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,759,359 to Willis *et al.*, (hereinafter, “Willis”). Applicants respectfully disagree.

20. Willis is directed to a “lens implantation instrument [which] includes first and second prongs connected together in a forceps-like configuration.” (See, Willis, Abstract; col. 2, lns. 3-28.) The first prong is an elongate member which comprises a handle, a distal portion that “defines a trough,” and an intermediate portion connecting the trough to the handle. (See, Willis, col. 3, lns. 19-59.) The second prong has “a distal end portion that extends generally parallel to the trough... [and] has a size and shape adapted to fit at least partially into the trough.” (See, Willis, col. 2, lns. 3-28.) This distal end portion of the second prong is also connected to a handle by an intermediate member. (See, Willis, col. 3, lns. 60-68.)

21. Applicants’ claim 20 is directed to a “forceps tool... comprising: a first flexible arm comprising... a concave cross-sectional shaped region, ***wherein the proximal end of said concave-shaped cross-sectional region is configured to receive said electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region.***” (See, Applicants’ claim 20, above; emphasis added.) As noted, the intermediate portion of the first prong of Willis extends from the trough to the handle portion. (See, Willis, col. 3, lns. 19-59.) As can be seen in FIGS. 1-3 of Willis, this intermediate portion physically obstructs the longitudinal axis through the trough of Willis would extend through this intermediate member. As such, because the longitudinal axis through the trough is physically obstructed, it would be impossible for the proximal end of the trough of Willis to “***receive said electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region***” as recited, in part, in Applicants’ claim 20. (Emphasis added.) Therefore, for at least these reasons, Applicants assert that Willis fails to anticipate or render obvious all elements of Applicants’ claim 20. As such, Applicants respectfully request that the rejection of claim 20 as anticipated by Willis be reconsidered, and that it be withdrawn.

22. For at least the same reasons as discussed above with reference to claim 20, Applicants assert that Willis fails to anticipate or render obvious all elements of Applicants’ claim 73. As

discussed above, the longitudinal axis through the trough of Willis is physically obstructed making it impossible to receive an electrode assembly “*along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region*” as recited, in part, in Applicants’ claim 73. (Emphasis added.) Therefore, for at least these reasons, Applicants assert that claim 73 is patentable over Willis. Applicants respectfully request that the rejection of claim 73 as anticipated by Willis be reconsidered, and that it be withdrawn.

***Claim Rejections under 35 U.S.C § 102(b) in view of Fujitsu***

23. Claims 20-22, 27, 29, 30, 32, 34, 37 and 73 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,464,405 to Fujitsu *et al.*, (hereinafter, “Fujitsu”). Applicants respectfully disagree.

24. Fujitsu is directed to a pair of “bipolar electric coagulating and incising tweezers.” (See, Fujitsu, col. 1, lns. 51-55.) The tweezers comprise first and second arms each having a tip portion and a grip portion. (See, Fujitsu, col. 1, lns. 40-49.) The grip portions are connected together at their proximal end, and the tip portions are configured to be closed together to incise a tissue. (See, Fujitsu, FIG. 1, col. 2, ln. 40- col. 3, ln. 15.) The tip portions are each connected to electrodes to assist in coagulation following incising of tissue. (See, Fujitsu, col. 1, lns. 9-27.)

25. The tweezers of Fujitsu has the added feature that a perfusion passage pipe is embedded in the surface of one of the arms. (See, Fujitsu, col. 2, ln. 40- col. 3, ln. 15.) The perfusion passage pipe permits the flow of a saline or other liquid there through during the incising procedure. (See, Fujitsu, col. 1, lns. 9-27.) Such a configuration is shown in FIG. 3 of Fujitsu.

26. Applicants’ claim 20 is directed to a “forceps tool... comprising: a first flexible arm comprising... a concave cross-sectional shaped region... a second flexible arm comprising... a tip region, wherein... when said tip is in proximity to said concave cross-sectional shaped region said electrode assembly is retained in a space defined by said concave cross-sectional shaped region and said tip region, *thereby providing operator control of the relative longitudinal movement of said electrode assembly*. (See, Applicants claim 20, above; emphasis added.) As described above, the tweezers of Fujitsu comprises two tips for incising tissue. (See, Fujitsu, col. 2, ln. 40- col. 3, ln. 15.) One of these tips has a perfusion passage pipe embedded therein that permits the flow of fluid there through during the incising procedure.

(See, Fujitsu, col. 1, lns. 9-27.) In the Office Action, the Examiner asserts that the forceps of Fujitsu teaches these elements because the perfusion pipe could support an electrode assembly. (See, Office Action, pg. 7.) Applicants respectfully disagree.

27. As noted, the perfusion passage pipe of Fujitsu is designed to permit the flow of fluid there through during cutting or incising of tissue. (See, Fujitsu, col. 1, lns. 9-27.) The tips of Fujitsu are designed to only close together at their distal ends so as to incise tissue. (See, Fujitsu, FIG. 1.) Applicants assert that there is no teaching in Fujitsu to demonstrate how it would be possible for the other tip Fujitsu to retain an electrode assembly in said alleged “concave cross-sectional shaped region... thereby providing operator control of the relative longitudinal movement of said electrode assembly. (See, Applicants claim 20, above.) Therefore, for at least the reason that Fujitsu completely fails to teach any type of “operator control,” Applicants assert that the tweezers of Fujitsu fail to anticipate or render obvious Applicants’ invention as recited in claim 20. As such, Applicants respectfully request that the rejection of claim 20 as anticipated by Fujitsu be reconsidered, and that it be withdrawn.

28. For at least the same reasons as discussed above with reference to claim 20, Applicants assert that Fujitsu fails to anticipate or render obvious all elements of Applicants’ claim 73. As discussed above, Fujitsu completely fails to teach a “forceps tool...comprising: a first elongate arm having... a concave-shaped cross-sectional region... a second elongate arm having... a tip region... wherein... said tip region and said concave-shaped cross-sectional region to travel toward each other to retain the electrode assembly in a space between said concave-shaped region and said tip region, ***thereby providing operator control of the relative longitudinal movement of the electrode assembly***” as recited in claim 73. (Emphasis added.) Therefore, for at least these reasons, Applicants assert that claim 73 is patentable over Fujitsu. Applicants respectfully request that the rejection of claim 73 as anticipated by Fujitsu be reconsidered, and that it be withdrawn.

***Claim Rejections under 35 U.S.C § 102(b) in view of Fisher***

29. Claims 20, 25, 27, 29, 31, 37 and 73 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,653,803 to Fisher *et al.*, (hereinafter, “Fisher”). Applicants respectfully disagree.



30. Fisher is directed to a pair of laboratory tongs designed to hold the handles of laboratory dishes, commonly referred to as casseroles. (See, Fisher, pg. 1, lns. 1-13.) The tongs “comprise two handle members joined by a rivet.” (See, Fisher, pg. 1, lns. 51-52.) The distal end of one of these handles comprises a “flat broadened terminal portion, which is adapted to seat upon and engage the upper flattened face of the handle of the casserole.” (See, Fisher, pg. 1, lns. 75-79.) The distal end of the other handle terminates in an elongate plate member. (See, Fisher, pg. 1, lns. 80-90.) A cylindrical member surrounds the elongate plate member and is secured thereto by rivets. (See, Fisher, pg. 1, lns. 80-90.) Two wings extend from this cylindrical member towards the “flat broadened terminal portion” of the other handle. (See, Fisher, pg. 1, lns. 80-90.) Each of these wing member has a inwardly extending terminal flange at its end. (See, Fisher, pg. 1, lns. 80-90.) Both handles are positioned in a single plane “that passes between the flat faces connected by the rivet. (See, Fisher, pg. 1, lns. 70-75.)

31. As shown in FIG. 2, “when these tongs are used for gripping the handle of a casserole... the broad flattened straight-edged portion of the upper tong member seats upon and grips” the upper flat surface of the casserole handle. (See, Fisher, pg. 1, lns. 90-101.) “At the same time the trough-like jaw formed by the wings engages the two under sides of the rounded portion of the handle, while the flanges... extend into and seat in” a groove in the handle. (See, Fisher, pg. 1, lns. 90-101.)

32. Applicants’ claim 20 is directed to a “forceps tool... comprising: a first flexible arm comprising... a concave cross-sectional shaped region... wherein said concave cross-sectional shape enables said second region to receive and support said electrode assembly.” As described above, the tongs of Fisher comprises an end portion having wings terminating in “inturned terminal flanges.” (See, Fisher, pg. 1, lns. 80-90.) As would be appreciated, because of these “inturned terminal flanges” the tongs of Fisher would be unable to “to receive and support said electrode assembly” as recited in claim 20.

33. Furthermore, Applicants assert that Fisher also fails to anticipate or render obvious Applicants’ invention as recited in claim 20 because Fisher fails to teach a “forceps tool... comprising: a first flexible arm comprising... a concave cross-sectional shaped region, *wherein the proximal end of said concave-shaped cross-sectional region is configured to receive said*

*electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region.”* (See, Applicants’ claim 20, above; emphasis added.) As noted, the handle members of Fisher are affixed to one another via a central rivet, and are both positioned in a single plane. (See, Fisher, pg. 1, lns. 70-75.) Due to the fact that the handles of Fisher are entirely positioned in this single plane, the longitudinal axis through the trough-like portion would be physically obstructed. As such, it would be impossible for the tongs of Fisher to receive an electrode assembly “*along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region*” as recited, in part, in Applicants’ claim 20. (Emphasis added.) Therefore, for at least these reasons, Applicants assert that Fisher fails to anticipate or render obvious all elements of claim 20. As such, Applicants respectfully request that the rejection of claim 20 as anticipated by Fisher be reconsidered, and that it be withdrawn.

34. For at least the same reasons as discussed above with reference to claim 20, Applicants assert that Fisher fails to anticipate or render obvious all elements of Applicants’ claim 73. As discussed above, the longitudinal axis through the trough of Willis is physically obstructed making it impossible to receive an electrode assembly “along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region” as recited, in part, in Applicants’ claim 73. Therefore, for at least these reasons, Applicants assert that claim 73 is patentable over Fisher. Applicants respectfully request that the rejection of claim 73 as anticipated by Fisher be reconsidered, and that it be withdrawn.

***Claim Rejections under 35 U.S.C § 102(b) in view of Roeschmann***

35. Claims 20, 27, 29, 30, 32, 34, 37 and 73 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,887,110 to Roeschmann., (hereinafter, “Roeschmann”). Applicants respectfully disagree.

36. Roeschmann is directed to a forceps for removing surgical clips or clamps. (See, Roeschmann, col. 1, lns. 14-23.) The forceps comprise “a pair of outwardly bowed arms” pivotally connected together at one end. (See, Roeschmann, col. 1, lns. 50-67.) The other ends of the arm comprise a pair of parallel fingers. (See, Roeschmann, col. 1, ln. 67- col. 2, ln. 10.) As shown in FIGS. 1 and 5, each finger has a longitudinal groove that extends partially along the face thereof. (See, Roeschmann, FIGS. 1 and 5; col. 1, ln. 67- col. 2, ln. 10.) The arms of

Roeschmann are positioned parallel in a single plane such that as the arms are squeezed together, the fingers are also brought together and a portion of a surgical clip is received in each of the grooves. (*See*, Roeschmann, col. 2, lns. 11-34.) The fingers then firmly grip the surgical clip so that it may be removed from a patient. (*See*, Roeschmann, col. 2, lns. 11-34.)

37. Applicants' claim 20 is directed to a "forceps tool... comprising: a first flexible arm comprising... a concave cross-sectional shaped region, *wherein the proximal end of said concave-shaped cross-sectional region is configured to receive said electrode assembly along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region.*" (*See*, Applicants' claim 20, above; emphasis added.) As noted, the arms of Roeschmann are connected to one another via a pivot, and are both positioned in a single plane. (*See*, Roeschmann, col. 1, lns. 50-67.) Due to the fact that the arms of Roeschmann are entirely positioned in this single plane, the longitudinal axis through the longitudinal grooves would extend through at least one of the arms. As such, because the longitudinal axis through each longitudinal groove is physically obstructed, it would be impossible for the proximal end of the grooves of Roeschmann to receive an electrode assembly "*along a longitudinal axis through the geometric center of said concave-shaped cross-sectional region*" as recited, in part, in Applicants' claim 20. (Emphasis added.) Therefore, for at least these reasons, Applicants assert that Roeschmann fails to anticipate or render obvious all elements of claim 20. As such, Applicants respectfully request that the rejection of claim 20 as anticipated by Roeschmann be reconsidered, and that it be withdrawn.

### ***Claim Rejections under 35 USC § 103***

38. Claims 25 and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Willis. Likewise, claim 36 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Willis in view of U.S. Patent No. 3,815,607 to Chester (hereinafter, "Chester"). Applicants assert that these claims are patentable over the cited references for the reasons discussed above in reference to claims 20 and 73 that Willis fails to teach that which is asserted by the Examiner. Chester fails to teach that which is missing from Willis. As such, Applicants respectfully request that these rejections under 35 U.S.C. §103(a) be reconsidered, and that they be withdrawn.

***Dependent Claims***

39. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter, which makes them *a fortiori* independently patentable over the art of record. Accordingly, Applicants respectfully request that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

***Conclusion***

40. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

41. Applicants make no admissions by not addressing any outstanding rejections or basis of rejections. Furthermore, Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Thus, cancellations and amendments of above claims, are not to be construed as an admission regarding the patentability of any claims.

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